ESTTA Tracking number:

ESTTA106905

Filing date:

10/30/2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91172981
Party	Defendant GITZIT, Inc. GITZIT, Inc. P.O. Box 3039 667 Red Rock Rd. , UT 84771
Correspondence Address	MATTHEW F. JOHNSTON BERENATO WHITE & STAVISH 6550 ROCK SPRING DRIVE, SUITE 240 BETHESDA, MD 20817-1173 mjohnston@bwsiplaw.com
Submission	Answer
Filer's Name	Matthew F. Johnston
Filer's e-mail	mjohnston@bwsiplaw.com
Signature	/mj/
Date	10/30/2006
Attachments	gitzit-ans_20061030144402.pdf ( 2 pages )(71311 bytes )

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRAIL ABND APPEAL BOARD

In the Matter of Application Seria	al No. 78/703563
Published May 16, 2006	

J.L. Pennington .	)
Opposer,	) ) Opposition No. 91172981 )
GITZIT, Inc .	
Applicant	
	)

Commissioner for Trademarks P.O. Box 1451 Alexandria VA 22313-1451

## ANSWER TO NOTICE OF OPPOSITION

Applicant GITZIT Inc. hereby answers the Notice of Opposition, as follows:

- 1. As to paragraph 1, Applicant denies that it is a Washington corporation.

  Applicant admits that its principal place of business is in St. George, Utah, 84771 and has P.O. Box 3039 therein.
  - 2. As to paragraphs 2-3, Applicant denies the allegations contained therein.
- 3. As to paragraph 4, Applicant admits that it is seeking registration for the mark Gitzit for fishing lures. Applicant denies the remaining allegations and specifically denies that Opposer has any prior rights to the use of the mark.

- 4. As to paragraph 5, Applicant is without sufficient information to form a belief regarding Opposer's consent and thus denies this allegation. Applicant further denies the remaining allegations contained in paragraph 5.
  - 5. As to paragraphs 6-7, Applicant denies the allegations contained therein.
- 6. As to paragraph 8, Applicant denies that Opposer has any rights in the mark and thus denies that registration would interfere with Opposer's rights. Applicant acknowledges and admits that registration would provide Applicant with prima facie exclusive rights in the mark.
- 7. As to paragraphs 6-7, Applicant denies the allegations contained therein Wherefore, Applicant prays that the Notice of Opposition be dismissed in its entirety, and that a registration issue to Applicant for its mark.

Respectfully submitted

Matthew F Johnston Attorney for Applicant October 30, 2006

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing APPLICANT's ANSWER was mailed first class mail, postage prepaid, to Peter K. Hahn, Esq. LUCE, FORWARD, HAMILTON & SCRIPPS, 600 West Broadway, Suite 2600, San Diego, California 92101, Attorney for Opposer, this 30th<sup>th</sup> day of October 2006.

Matthew F Johnston October 30th 2006.